

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:

Date: September 28, 2007 Name: Stephen C. Smith Signature: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Foster et al.

Appln. No.: 10/617,580

Filed: July 11, 2003

For: Flexible Cannula

Attorney Docket No: 10922-51 (DN-1056)

Examiner: Nguyen

Art Unit: 3731

Confirmation No. 3677

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicants hereby cite the following reference(s):

**OTHER ART – NON PATENT LITERATURE DOCUMENTS**

Search Report and Written Opinion dated January 5, 2007, EP Application No. 03 764 480.4
International Preliminary Examination Report dated May 4, 2004, related PCT Application No. PCT/US03/21672
Written Opinion dated February 11, 2004, related PCT Application No. PCT/US03/21672

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

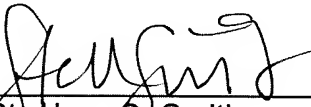
By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is

not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated a processing fee in the amount of \$180.00 to be due under 37 C.F.R. §1.17(p) in connection with the filing of this Information Disclosure Statement. Applicants have enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Information Disclosure Statement.

Respectfully submitted,

9/28/2007  
Date

  
Stephen G. Smith  
(Reg. No. 56,250)